

January 7, 1976

PRESIDENT: Senator Mills, would you like to close debate?

SENATOR MILLS: Mr. President, members of the Legislature, please be aware that as Senator Nichol and Dworak have both stated, they have been in the insurance business and that is their understanding, but that doesn't mean that some of the rest of us don't understand it in a different situation. Gross negligence has been held by the Supreme Court, and I do have the sheet here, showing that several acts, three acts of negligence do not in every case mean gross negligence. The only thing that does mean gross negligence is drunkenness. That each case has to have a hearing before, taken before the Supreme Court, each one. I would like to see the people of the State of Nebraska have that right to protect themselves. It has been compared to no-fault. Please be aware of that when you read Senator Murphy's 394. Please be aware that each state that enacts no-fault insurance, the guest statute is automatically repealed. We sound like we here in Nebraska are trying to protect ourselves from a great big bad thing. Many, many states across the United States, like I said, there is only 19 left. Only 19 left that still have the guest statute enacted, and as I said, the no-fault insurance will remove the guest statute. I think that we all know of cases that have happened, and of course, this is what they brand as a consumer bill. It is going to cost, \$9, \$10, \$12, wherever you fit in that particular area as a driver. Sure it is going to cost and I know that it takes nerve for you members in the Legislature to vote yes but, remember, it could happen to some of you, your constituents that you would like to have receive protection without going clear to the United States or Nebraska Supreme Court. I ask you to vote for this on Select File.

PRESIDENT: Senator Lewis, Senator Mills was closing. This is a machine vote. The question is, shall LB 491 be advanced to E & R Final. Record your vote. Please vote. Have you all voted? Record. Senator Mills.

SENATOR MILLS: How many are excused?

CLERK: Two, Mr. President.

PRESIDENT: Two are excused.

SENATOR MILLS: Mr. President, I request a Call of the House and a roll call vote.

PRESIDENT: The question is, shall the House go under Call? Record your vote. Have you voted? Record.

CLERK: 21 ayes, 10 nays.

PRESIDENT: The House is under Call. Will all Senators please sit in your chairs and record your presence, please? Will the Sergeant at Arms make sure that all members of the Legislature are in the Chamber? All Senators, please take your chairs and record your presence. Please record your presence. Would someone find Senator Duis, please?